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10/007,887	11/05/2001	Tetsuo Hoshi	010817	3039

7590

09/21/2004

MOONRAY KOJIMA

BOX 627

WILLIAMSTOWN, MA 01267

EXAMINER
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LU, KUEN S

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,887

Applicant(s)

HOSHI ET AL.

Examiner

Kuen S Lu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendments*

1. The Action is responsive to the Applicant's Amendments, filed on June 1, 2004.
2. In responding to Applicant's Amendments made to the claims where claims were cancelled and new issue relating to server section in the independent claims was introduced, the Examiner has created this Office Action for Final Rejection as shown next.
3. As for the Applicant's Remarks on claim rejections, filed on June 1, 2004, has been fully considered by the Examiner, please see discussion in the section ***Response to Arguments***, following the Office Action for Final Rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-43 and 49 are rejected under 35 U.S.C. 102(b) as anticipated by Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry").

As per claims 40 and 49, Fortenberry teaches "a service section connected to a network" (See Fig. 2A, element 212 and col. 5, lines 62-66 wherein Fortenberry's

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passport server and web servers connected to internet is equivalent to Applicant's service sections connected to a network);

"a plurality of nodes connected to said network and there through to said service section and allocated with specific addresses that are unique within said network" (See Fig. 2A, elements 200, 208's and Fig. 3, elements 301-303 wherein Fortenberry's user nodes 208a-208n are connected to internet and identified by IP addresses which are unique for each node is equivalent to Applicant's a plurality of nodes connected to said network and there through to said service section and allocated with specific addresses that are unique within said network"); and

"terminal devices for system users connected to said network and there through to said service section and said plurality of nodes" (See Fig. 1, elements 100, 156-157, 170, 190 and 195, and col. 3, lines 15-31 wherein Fortenberry's terminal devices consist of video display, keyboard and mouse where the system users connect to server via communication adaptor to network and the service section is equivalent to Applicant's terminal devices for system users connected to said network and there through to said service section and said plurality of nodes; wherein

"said service section acquires through said network profile data of each node user through each node and analyzes said profile data, in order to mediate through said network between said each node user and each system user according to said profile data to help exchange information through said network" and "service section selectively delivers through said network at least either an advertisement or information content suited for profile of each node user" (See Fig. 2B and col. 6, lines 15-46 wherein

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Fortenberry's user conducts transactions at a WEB sites requests passport agent to release specific user information to the WEB site for decrypting and unlocking user information such that the transaction be conducted at an appropriate level is equivalent to Applicant's service section acquires through said network profile data of each node user through each node and analyzes said profile data, in order to mediate through said network between said each node user and each system user according to said profile data to help exchange information through said network and service section selectively delivers through said network at least either an information content suited for profile of each node user).

As per claim 41, Fotenberry teaches "node user declares limit of profile data disclosure against said service section and obtains from said service section and through said network a level or service appropriate for said limit of profile data disclosure" (See Fig. 2B and col. 6, lines 15-46 wherein Fortenberry's users request passport server to release user's specific information to the web server in order to conduct transactions at the site where passport is equivalent to Applicant's node user declares limit of profile data disclosure against said service section and obtains from said service section and through said network a level or service appropriate for said limit of profile data disclosure).

As per claim 42, Fotenberry teaches "user profile data said service section uses at least either user specific static data independent of time lapse or user-specific dynamic data dependent on time-lapse" (See Figs. 2B and 3, element 305 and col. 6, lines 15-46 and 52-55 wherein Fortenberry's passport agent was previously provided a key with

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which to decrypt user message wherein the first class information includes user real name, address, credit card data and social security information are static data is equivalent to Applicant's user profile data said service section uses at least either user specific static data independent of time lapse or user-specific dynamic data dependent on time-lapse).

As per claim 43, Fortenberry teaches "service section updates said profile data of each node user according to a record of user access through said network to content" (See Fig. 3, elements 304-308 and col. 6, line 63 – col. 7, line 33 wherein Fortenberry's user's second class of information is constantly updated to reflect user's change of web site visits and security level of data is equivalent to Applicant's service section updates said profile data of each node user according to a record of user access through said network to content).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 44-48 and 57-59 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry"), as applied to claims 40 and 49, and further in view of Dahlen (U.S. Publication 2001/0012299) and Klemets et al. (U.S. Publication 2001/0013068).

As per claims 44 and 57, the Fortenberry reference teaches a information delivery system as previously described in claims 40 and 49 rejection under 35 U.S.C. 102(b).

The Fortenberry reference does not specifically teach "a plurality of remote controller nodes connected as said plurality of nodes, said plurality of remote controller nodes being capable of adding timestamps to and storing received output signals from remote controllers and transmitting said output signals through an Internet".

However, Dahlen teaches "a plurality of remote controller nodes connected as said plurality of nodes" (See Fig. 1, elements 10-14, Fig. 3, Pages 1, [0006], 3, [0030]; Page 1, [0006], lines 1-3; Fig. 1, elements 10-12; Fig. 1, elements 16-24; and Page 1, [0006] lines 1-8) wherein Dahlen's showing customers or other system users with access a network through network interface with one or more servers identifiable on the network where users are to receive broadcast data is equivalent to Applicant's a plurality of remote controller nodes connected as said plurality of nodes).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Dahlen's reference into Fortenberry's system by applying independent access control for data narrowcasting through controller nodes because by doing so the users of Fortenberry's system would have been able to conduct multiple transactions at multiple WEB sites via the controller node

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without the need to establish many connections to WEB sites and further guarantee the data is transmitted and received by the party indened.

The combined Fortenberry-Dahlen does not specifically teach "said plurality of remote controller nodes being capable of adding timestamps to and storing received output signals from remote controllers and transmitting said output signals through an Internet".

However, Klemets teaches interleaving multimedia stream for synchronized transmission over a computer network (See Fig. 4A, Pages 3, [0045] and 5, [0076] wherein Klemets' capturing video/audio stream, compressing the stream and generating an annotation stream for synchronizing the display of a plurality of displaying events where timestamps are set when audio frames are retrieved is equivalent to Applicant's a plurality of remote controller nodes connected as said plurality of nodes, said plurality of remote controller nodes being capable of adding timestamps to and storing received output signals from remote controllers and transmitting said output signals through an Internet).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Klemets and Dahlen's' teachings with Fortenberry's reference by integrating multimedia content by inserting timestamps in the frames in order to synchronize the delivery multi-media content to the clients in Fortenberry's system because by doing the synchronization delivery of multi-media content through passport control would have allowed users Klemets' system and WEB service providers to have flexibility and security on multi-media content delivery.



Klemets further teaches "service section acquires through said Internet said output signals from each said remote controller node and analyzes operation performed by each said remote controller node" (See Fig. 2 and Page 2, [0042] wherein Klemets' production station to acquire video/audio inputs for analyzing and interleaving frames is equivalent to Applicant's service section acquires through said Internet said output signals from each said remote controller node and analyzes operation performed by each said remote controller node).

As per claims 45 and 58, Dahlen teaches "service section analyzes said user profile data and delivers through said Internet advertisement content to each remote controller node according to profile data of each node user" (See Fig. 7A and Page 5, [0045] wherein Dahlen's analyzing users' profile, determining what types of information to be narrowcast to particular user, retrieving reports based on system users current logged on and broadcasting the reports to appropriate system users is equivalent to Applicant's service section analyzes said user profile data and delivers through said Internet advertisement content to each remote controller node according to profile data of each node user).

As per claims 46 and 59, Dahlen teaches "each remote controller node sends through said Internet a remote controller output signal to said service section each time a relevant remote controller is operated" (See Fig. 6 and Page 4, [0043] wherein Dahlen's information is sent by a remote note and received by the "push" server, and narrowcast to another node is equivalent to Applicant's each remote controller node

sends through said Internet a remote controller output signal to said service section each time a relevant remote controller is operated).

As per claims 47 and 61, the combined Dahlen-Fortenberry reference teaches information is being sent by a remote note and received by the "push" server, and narrowcasting to preferred nodes (See Dahlen: Fig. 6 and Pages 4, [0043] and 5, [0044] wherein Dahlen's the history of signal sending and receiving is monitored periodically and the operation command is entered by pressing the operation buttons is equivalent to Applicant's teaches information is being sent by a remote note and received by the "push" server, and narrowcasting to preferred nodes).

The combined Dahlen-Fortenberry reference does not specifically teach the node type be wireless.

However, Klemets teaches the node type be wireless (See Page 2, [0032] wherein Klemets' an exemplary computer system includes products from many computer manufacturers or 'some other type of computer' is equivalent to Applicant's the node type be wireless).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Klemets-Dahlen teaching into Fortenberry's reference by including wireless type of computers as a plurality of computer nodes such that users of Fortenberry's system would have been able to automatically and continuously receive individualized real-time information without requiring to establish multiple connections with a number of web sites or repeatedly talking to customer service representatives in an anywhere and anyplace fashion

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As per claims 48 and 62, Klemets further teaches "device is a television or a videocassette recorder and wherein infrared signals are used for command" (See the Abstract wherein Klemets' interleaving multi-media stream for synchronizing transmission over the network.

inputs for analyzing and interleaving frames is equivalent to Applicant's device is a television or a videocassette recorder and wherein infrared signals are used for command).

7. Claims 50-51 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry"), as applied to claims 40 and 49, and further in view of Dahlen (U.S. Publication 2001/0012299).

As per claim 50, the Fortenberry reference teaches a information delivery system as previously described in claims 40 and 49 rejection user 35 U.S.C. 102(b).

The Fortenberry reference does not specifically teach "service section delivers through said network at least either advertisement content or information content related to broadcast content".

However, Dahlen teaches "service section delivers through said network at least either advertisement content or information content related to broadcast content" (See Fig. 2 and Page 3, [0028] wherein Dahlen's narrowcasting information over a data network to the service subscribers is equivalent to Applicant's service section delivers through said network at least either advertisement content or information content related to broadcast content).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Dahlen's reference into Fortenberry's system by narrowcasting the broadcast information or advertisement to the selected users only because by doing so the network transmission bandwidth would have been narrowed down which would have contributed to network performance improvement.

As per claim 51, Dahlen further teaches "service section acquires and analyzes audience data according to a record of user access to broadcast content" (See Page 3, [0033] wherein Dahlen's push server to search for determining the preferences for the connected customer to receive information is equivalent to Applicant's service section acquires and analyzes audience data according to a record of user access to broadcast content).

8. Claims 52-53 and 55 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry"), as applied to claim 49 and further in view of Eldering (U.S. Patent 6,324,519).

As per claim 52, the Fortenberry reference teaches a information delivery system as previously described in claims 40 and 49 rejection user 35 U.S.C. 102(b).

The Fortenberry reference does not specifically teach "service section performs at least either billing to an advertiser or measurement of advertising effectiveness according to record obtained through said network of data on access to advertisement content".

However, Eldering teaches "service section performs at least either billing to an advertiser or measurement of advertising effectiveness according to record of data on

access to advertisement content” (See Fig. 7 and col. 10, lines 20-27 wherein Eldering’s provider server to transmit correlation result, along with fee for providing the advertisement, to the content/opportunity provider is equivalent to Applicant’s service section performs at least either billing to an advertiser or measurement of advertising effectiveness according to record obtained through said network of data on access to advertisement content).

It would have been obvious to one having ordinary skill in the art at the time of the applicant’s invention was made to combine Eldering teaching with Fortenberry’s reference by enabling Fortenberry’s system to measure the effectiveness of advertisement because by doing so the advertisers would have been able to maximize the effect of their ads and their revenue of advertisement.

As per claim 53, Eldering further teaches “record of data on access to advertisement is carried out in response to a request from said service section” (See Fig. 1A and col. 1, lines 54-56 wherein Eldering’s the content/opportunity provider delivering the advertisement is equivalent to Applicant’s record of data on access to advertisement is carried out through said network in response to a request from said service section).

As per claim 55, Eldering further teaches “transmission of said record of data on access to advertisement content is autonomously carried out by each node in response to a request from said service section” (See Fig. 1A and col. 1, lines 54-56 wherein Eldering’s the content provider to respond the node’s request and send over the advertisement is equivalent to Applicant’s transmission of said record of data on access

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to advertisement content is autonomously carried out by each node in response to a request from said service section through said network).

9. Claims 54 and 56 are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry") in view of Dahlen (U.S. Publication 2001/0012299), as applied to claim 51, and further in view of Eldering (U.S. Patent 6,324,519).

As per claim 54, the combined Fortenberry-Dahlen reference teaches service section requires analyzing user data as previously described in claim 51 rejection.

The combined Fortenberry-Dahlen reference does not specifically teach "transmission of said record of data on access to broadcast content from each node to said service section is carried out through said network in response to request from said service section".

However, Eldering teaches "transmission of said record of data on access to broadcast content from each node to said service section is carried out through said network in response to request from said service section" (See Fig. 1A and col. 1, lines 54-56 wherein Eldering's after consumer PC sending out the bid and being accepted, the content/opportunity provider delivers the advertisement to the consumer is equivalent to Applicant's transmission of said record of data on access to broadcast content from each node to said service section is carried out through said network in response to request from said service section).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Eldering and Dahlen's teachings with

Fortenberry's reference by enabling users of Fortenberry's system to present the request for content and receive more targeted advertisements because by doing so the advertisers would have been able to maximize the effect of their ads and their revenue of advertisement.

As per claim 56, Eldering further teaches "wherein transmission of said record of data on access to broadcast content from each node to said service section is autonomously carried out by each node in response to a request from said service section" (See Fig. 1A and col. 1, lines 54-56 wherein Eldering's the content provider to respond the node's request and send over the advertisement is equivalent to Applicant's wherein transmission of said record of data on access to broadcast content from each node to said service section is autonomously carried out by each node in response to a request from said service section).

9. Claim 60 is rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al. (U.S. Patent 6,005,939, hereafter "Fortenberry") in view of Dahlen (U.S. Publication 2001/0012299) and Klemets et al. (U.S. Publication 2001/0013068), as applied to claim 57, and further in view of Park (U.S. Patent 6,061,082).

As per claim 35, the combined Klemets-Dahlen-Fortenberry reference teaches interleaving multi-media frames for narrowcasting over network as previously described in claim 57 rejection.

The combined reference does not specifically teach "service section analyzes and processes data on audience rating of television".

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However, Park teaches rating internet TV audience rating automatically by receiving internal email generated by the TVs.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Park, Klemets and Dahlen's teachings with Fortenberry's reference by enabling audience rating functionality on Fortenberry's system such that its users would have been able to receive more targeted advertisements which can be accurately measured such that the advertisers would have been able to maximize the effect of their ads and their revenue of advertisement.

**10. The prior art made of record:**

- A. U.S. Patent 6,005,939
- B. U.S. Publication 2001/0012299
- C. U.S. Publication 2001/0013068
- D. U.S. Patent 6,324,519
- E. U.S. Patent 6,061,082

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- F. U.S. Patent 6,260,021
- G. U.S. Patent 6,578,201
- H. U.S. Patent 6,411,684

***Response to Arguments***

**11.** The Applicants' arguments filed on June 7, 2004 have been fully considered but they are not persuasive, for the Examiner's response, please see discussion below:



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a). At Pages 2 through 7, regarding the primary reference (Fortenberry, U.S. Patent 6,260,021), Applicant's arguments with respect to claims 40-62 have been considered but are moot in view of the new ground(s) of rejection.

b). At Pages 2 through 7, regarding motivations for combining the primary and the secondary references, the Office Action has combined the references into (Fortenberry, Dahlen), (Fortenberry, Eldering), (Fortenberry, Dahlen, Eldering), (Fortenberry, Klemets) and (Fortenberry, Dahlen, Klemets, Park). Based on the backgrounds and summary of cited references, the motivation for the combination and obviousness of Applicant's application were derived. In response to applicant's argument that "even when the references are combined in different combinations, there would still be lacking sufficient teaching to make our claimed invention obvious", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

12. In light of the forgoing arguments, the U.S.C 102 rejection for Claims 40- and U.S.C 103 rejection for Claims 40-62 is hereby sustained.

### ***Conclusion***

#### **13. THIS ACTION IS MADE FINAL.**

The Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**14.** The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

**15.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894.

The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 10/007,887

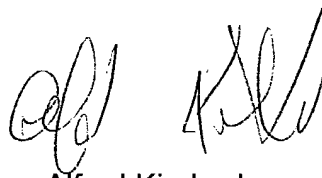
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Kuen S. Lu

  
Patent Examiner

September 19, 2004



Alford Kindred

Primary Examiner

September 19, 2004